

1-1 By: Hughes, Hall S.B. No. 1978
 1-2 (In the Senate - Filed March 7, 2019; March 19, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 May 13, 2019, reported favorably by the following vote: Yeas 5,
 1-5 Nays 1; May 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the protection of religious beliefs and moral
 1-20 convictions, including beliefs and convictions regarding marriage.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 10, Government Code, is amended by adding
 1-23 Subtitle H to read as follows:

1-24 SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT
 1-25 CHAPTER 2400. PROTECTION OF RELIGIOUS BELIEFS AND MORAL
 1-26 CONVICTIONS

1-27 Sec. 2400.001. DEFINITIONS. In this chapter:

1-28 (1) "Adverse action" means any action taken by a
 1-29 governmental entity to:

1-30 (A) withhold, reduce, exclude, terminate, or
 1-31 otherwise deny any grant, contract, subcontract, cooperative
 1-32 agreement, loan, scholarship, license, registration,
 1-33 accreditation, employment, or other similar status from or to a
 1-34 person;

1-35 (B) withhold, reduce, exclude, terminate, or
 1-36 otherwise deny any benefit provided under a benefit program from or
 1-37 to a person;

1-38 (C) alter in any way the tax treatment of, cause
 1-39 any tax, penalty, or payment assessment against, or deny, delay, or
 1-40 revoke a tax exemption of a person;

1-41 (D) disallow a tax deduction for any charitable
 1-42 contribution made to or by a person;

1-43 (E) deny admission to, equal treatment in, or
 1-44 eligibility for a degree from an educational program or institution
 1-45 to a person; or

1-46 (F) withhold, reduce, exclude, terminate, or
 1-47 otherwise deny access to a property, educational institution,
 1-48 speech forum, or charitable fund-raising campaign from or to a
 1-49 person.

1-50 (2) "Benefit program" means any program administered
 1-51 or funded by a governmental entity or federal agency that provides
 1-52 assistance in the form of payments, grants, loans, or loan
 1-53 guarantees.

1-54 (3) "Governmental entity" means:

1-55 (A) this state;

1-56 (B) a board, commission, council, department, or
 1-57 other agency in the executive branch of state government that is
 1-58 created by the state constitution or a statute, including an
 1-59 institution of higher education as defined by Section 61.003,
 1-60 Education Code;

1-61 (C) the legislature or a legislative agency;

2-1 (D) the Texas Supreme Court, the Texas Court of
2-2 Criminal Appeals, a state judicial agency, the State Bar of Texas,
2-3 or a court in this state;

2-4 (E) a political subdivision of this state,
2-5 including a county, municipality, or special district or authority;
2-6 or

2-7 (F) an officer, employee, or agent of an entity
2-8 described by Paragraphs (A)-(E).

2-9 (4) "Person" has the meaning assigned by Section
2-10 311.005, except the term does not include:

2-11 (A) an employee of a governmental entity acting
2-12 within the employee's scope of employment;

2-13 (B) a contractor of a governmental entity acting
2-14 within the scope of the contract; or

2-15 (C) an individual or a medical or residential
2-16 custodial health care facility while the individual or facility is
2-17 providing medically necessary services to prevent another
2-18 individual's death or imminent serious physical injury.

2-19 Sec. 2400.002. ADVERSE ACTION PROHIBITED. Notwithstanding
2-20 any other law, a governmental entity may not take any adverse action
2-21 against any person based wholly or partly on a person's belief or
2-22 action in accordance with the person's sincerely held religious
2-23 belief or moral conviction, including beliefs or convictions
2-24 regarding marriage.

2-25 Sec. 2400.003. RELIEF AVAILABLE. (a) A person may assert
2-26 an actual or threatened violation of Section 2400.002 as a claim or
2-27 defense in a judicial or administrative proceeding and obtain:

2-28 (1) compensatory damages;

2-29 (2) injunctive relief;

2-30 (3) declaratory relief; and

2-31 (4) any other appropriate relief, including
2-32 reasonable attorney's fees.

2-33 (b) Notwithstanding any other law, a person may commence an
2-34 action under this section and relief may be granted regardless of
2-35 whether the person has sought or exhausted available administrative
2-36 remedies.

2-37 Sec. 2400.004. IMMUNITY WAIVED. A person who alleges a
2-38 violation of Section 2400.002 may sue the governmental entity for
2-39 the relief provided under Section 2400.003. Sovereign or
2-40 governmental immunity, as applicable, is waived and abolished to
2-41 the extent of liability for that relief.

2-42 Sec. 2400.005. ATTORNEY GENERAL ACTION; INTERVENTION IN
2-43 PROCEEDING. (a) The attorney general may bring an action for
2-44 injunctive or declaratory relief against a governmental entity or
2-45 an officer or employee of a governmental entity to enforce
2-46 compliance with this chapter.

2-47 (b) This section may not be construed to deny, impair, or
2-48 otherwise affect any authority of the attorney general or a
2-49 governmental entity acting under other law to institute or
2-50 intervene in a proceeding.

2-51 (c) The attorney general may recover reasonable expenses
2-52 incurred in bringing, instituting, or intervening in an action
2-53 under this section, including court costs, reasonable attorney's
2-54 fees, reasonable investigative costs, witness fees, and deposition
2-55 expenses.

2-56 Sec. 2400.006. INTERPRETATION. (a) This chapter may not
2-57 be construed to preempt a state or federal law that is equally or
2-58 more protective of the free exercise of religious beliefs and moral
2-59 convictions or to narrow the meaning or application of a state or
2-60 federal law protecting the free exercise of religious beliefs and
2-61 moral convictions.

2-62 (b) This chapter may not be construed to prevent a
2-63 governmental entity from providing, either directly or through a
2-64 person who is not seeking protection under this chapter, any
2-65 benefit or service authorized under state or federal law.

2-66 SECTION 2. This Act takes effect immediately if it receives
2-67 a vote of two-thirds of all the members elected to each house, as
2-68 provided by Section 39, Article III, Texas Constitution. If this
2-69 Act does not receive the vote necessary for immediate effect, this

3-1 Act takes effect September 1, 2019.

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